

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF:

ALCHEMIST USA, LLC

UST NO. 198601149

**ADMINISTRATIVE
CONSENT ORDER
NO. 2009-UT-02**

**Mail To: Alchemist, LLC
Reg. Agent, Ravinder Singh
1374 North Ave.
Bouton, IA 50039**

I. SUMMARY

The Iowa Department of Natural Resources (Department) and the Alchemist USA, LLC (Alchemist) have entered into this administrative consent order (Order) for the purpose of resolving violations of the Department's underground storage tank (UST) compliance inspection rules.

For questions regarding this Order contact the following:

Relating to technical requirements:

Paul Nelson
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/281-8779

Relating to Legal Issues:

David L. Wornson, Attorney
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, Iowa 50319-0034
Ph: 515/242-5817

II. JURISDICTION

This Order is issued pursuant to Iowa Code sections 455B.474(1)(f)(11) and 455B.476 which authorize the Director to issue any order necessary to secure compliance with Iowa Code Division IV, Part 8 and Environmental Protection Commission (Commission) rules contained in 567 Iowa Administrative Code (I.A.C.) Chapter 135. Iowa Code section 455B.109 and Commission rules at 567 I.A.C. Chapter 10 authorize the Director to assess administrative penalties up to \$10,000. Iowa Code section 17A.10 authorizes the use of informal settlements.

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III. STATEMENT OF FACTS AND CONCLUSIONS OF LAW

1. Iowa Code section 455B.474(1)(i) authorizes the Commission to adopt rules to establish an UST certified compliance inspection program. Commission rule 567 I.A.C. 135.20 requires owners and operators of USTs to retain a compliance inspector certified by the Department pursuant to 567 I.A.C. Chapter 134, Part B, to complete a facility inspection and submit a report by December 31, 2007. Compliance inspections are subsequently required to be performed on a biennial basis.
2. Alchemist is the registered owner and operator of USTs located at 1374 North Ave, Bouton, Iowa.
3. On January 9, 2007, the Department mailed a letter informing Alchemist of the December 31, 2007 deadline to complete a compliance inspection.
4. The Department mailed a second letter on October 17, 2007 reminding Alchemist that it had not completed its inspection and that the inspection report was due no later than December 31, 2007.
5. On November 5, 2007, the Department posted a list of un-inspected sites, including this site, on its webpage for compliance inspectors to contact.
6. On June 10, 2008 the Department mailed a "Notice of Violation" letter to Alchemist for its failure to complete an inspection report. The notice required submittal of the report no later than July 11, 2008. To date, Alchemist has failed to complete a compliance inspection and submit a report.

IV. ORDER

1. Alchemist agrees to retain a Department-certified compliance inspector no later than February 15, 2009 and complete an initial compliance inspection no later than February 29, 2009. Alchemist agrees to correct any violations as a result of the inspection in accordance with Department rule 567 IAC 135.20 and assure a final report is submitted to the Department no later than April 25, 2009.
2. Alchemist agrees to pay a penalty of \$1,500 to the order of the "Iowa Department of Natural Resources" within 30 days after receipt of a fully executed Order.

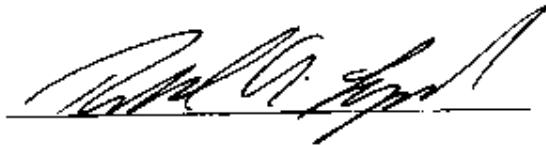
V. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.476 and Chapter 567 I.A.C. Chapter 7 authorize a written notice of appeal to the Commission. By signing this Order, Horizon waives all rights to appeal.

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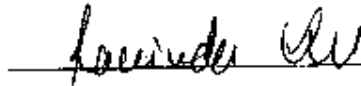
VI. NONCOMPLIANCE

Failure to comply with this Order may result in the imposition of administrative or civil penalties and referral to the Iowa Attorney General to obtain appropriate relief pursuant to Iowa Code sections 455B.476 and 455B.477. Compliance with the terms and conditions of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order.



Dated this 24 day of Feb, 2009.

**RICHARD A. LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES**



Dated this 6 day of 02, 2009

**ALCHEMIST USA, LLC
BY ITS AUTHORIZED REPRESENTATIVE:**

Alchemist, LLC, Paul Nelson, FO S; V.C.